

AMENDED IN SENATE APRIL 9, 2015

SENATE BILL

No. 343

Introduced by Senator Hancock

February 24, 2015

An act to amend Sections 2053.1, 2054, ~~and 2054.2~~ 2054.2, and 2933.6 of, and to repeal Section 2054.1 of, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as amended, Hancock. ~~Criminal law: corrections.~~
Corrections: inmates.

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement a literacy program in every state prison. In implementing these programs, existing law requires the Secretary of the Department of Corrections and Rehabilitation to give strong consideration to computer-assisted training and other innovations that have proven to be effective in reducing illiteracy among disadvantaged adults.

This bill would also require the Department of Corrections and Rehabilitation to give strong consideration to the use of libraries and librarians for that literacy program.

Existing law permits the Secretary of the Department of Corrections and Rehabilitation to establish and maintain classes for inmates. Existing law provides for funding of this program, upon appropriation by the Legislature, at a rate of \$40 per inmate. Existing law requires this rate to increase or decrease in the same proportion as the median salaries for full-time high school teachers in the public schools of the state have increased or decreased since the 1956–57 fiscal year.

This bill would repeal the provisions regarding the setting of the rates for funding of these classes.

Existing law requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education including, but are not limited to, a specified literacy level, a high school diploma or equivalent, or a particular vocational job skill.

This bill would add completion of a community college or 4 year academic degree to the list of included academic and vocational education.

Existing law makes an inmate placed in a Security Housing Unit for specified crimes or because of gang association or membership, or placed in a Psychiatric Services Unit, ineligible to earn credits towards reducing his or her sentence during the time the inmate is in the Security Housing Unit.

This bill would, notwithstanding that prohibition, permit the Department of Corrections and Rehabilitation to establish regulations to allow specified inmates to earn credits, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2053.1 of the Penal Code is amended to
2 read:
3 2053.1. (a) The Secretary of the Department of Corrections
4 and Rehabilitation shall implement in every state prison literacy
5 programs that are designed to ensure that upon parole inmates are
6 able to achieve the goals contained in this section. The department
7 shall prepare an implementation plan for this program, and shall
8 request the necessary funds to implement this program as follows:
9 (1) The department shall offer academic programming
10 throughout an inmate's incarceration that shall focus on increasing
11 the reading ability of an inmate to at least a 9th grade level.
12 (2) For an inmate reading at a 9th grade level or higher, the
13 department shall focus on helping the inmate obtain a general
14 education development certificate, or its equivalent, or a high
15 school diploma.

1 (3) The department shall offer college programs through
2 voluntary education programs or their equivalent.

3 (4) While the department shall offer education to target
4 populations, priority shall be given to those with a criminogenic
5 need for education, those who have a need based on their
6 educational achievement level, or other factors as determined by
7 the department.

8 (b) In complying with the requirements of this section, the
9 department shall give strong consideration to the use of libraries
10 and librarians, computer-assisted training, and other innovations
11 that have proven to be effective in reducing illiteracy among
12 disadvantaged adults.

13 SEC. 2. Section 2054 of the Penal Code is amended to read:

14 2054. (a) The Secretary of the Department of Corrections and
15 Rehabilitation may establish and maintain classes for inmates by
16 utilizing personnel of the Department of Corrections and
17 Rehabilitation, or by entering into an agreement with the governing
18 board of a school district or private school or the governing boards
19 of school districts under which the district shall maintain classes
20 for such inmates. The governing board of a school district or private
21 school may enter into such an agreement regardless of whether
22 the institution or facility at which the classes are to be established
23 and maintained is within or without the boundaries of the school
24 district.

25 (b) Any agreement entered into between the Secretary of the
26 Department of Corrections and Rehabilitation and a school district
27 or private school pursuant to this section may require the
28 Department of Corrections and Rehabilitation to reimburse the
29 school district or private school for the cost to the district or private
30 school of maintaining such classes. "Cost" as used in this section
31 includes contributions required of any school district to the State
32 Teachers' Retirement System, but such cost shall not include an
33 amount in excess of the amount expended by the district for salaries
34 of the teachers for such classes, increased by one-fifth. Salaries of
35 such teachers for the purposes of this section shall not exceed the
36 salaries as set by the governing board for teachers in other classes
37 for adults maintained by the district, or private schools.

38 (c) Attendance or average daily attendance in classes established
39 pursuant to this section or in classes in trade and industrial
40 education or vocational training for adult inmates of institutions

1 or facilities under the jurisdiction of the Department of Corrections
2 and Rehabilitation shall not be reported to the State Department
3 of Education for apportionment and no apportionment from the
4 State School Fund shall be made on account of average daily
5 attendance in such classes.

6 (d) No school district or private school shall provide for the
7 academic education of adult inmates of state institutions or facilities
8 under the jurisdiction of the Department of Corrections and
9 Rehabilitation except in accordance with this section.

10 SEC. 3. Section 2054.1 of the Penal Code is repealed.

11 SEC. 4. Section 2054.2 of the Penal Code is amended to read:

12 2054.2. The Department of Corrections and Rehabilitation
13 shall determine and implement a system of incentives to increase
14 inmate participation in, and completion of, academic and vocational
15 education, consistent with the inmate's educational needs as
16 identified in the assessment performed pursuant to Section 3020,
17 including, but not limited to, a literacy level specified in Section
18 2053.1, a high school diploma or equivalent, completion of a
19 community college or four year academic degree, or a particular
20 vocational job skill. These incentives may be consistent with other
21 incentives provided to inmates who participate in work programs.

22 SEC. 5. Section 2933.6 of the Penal Code is amended to read:

23 2933.6. (a) Notwithstanding any other law, *except as provided*
24 *in subdivision (d)*, a person who is placed in a Security Housing
25 Unit, Psychiatric Services Unit, Behavioral Management Unit, or
26 an Administrative Segregation Unit for misconduct described in
27 subdivision (b) or upon validation as a prison gang member or
28 associate is ineligible to earn credits pursuant to Section 2933 or
29 2933.05 during the time he or she is in the Security Housing Unit,
30 Psychiatric Services Unit, Behavioral Management Unit, or the
31 Administrative Segregation Unit for that misconduct.

32 (b) This section applies to the following offenses:

33 (1) Murder, attempted murder, and solicitation of murder. For
34 purposes of this paragraph, solicitation of murder shall be proven
35 by the testimony of two witnesses, or of one witness and
36 corroborating circumstances.

37 (2) Manslaughter.

38 (3) Assault or battery causing serious bodily injury.

39 (4) Assault or battery on a peace officer or other nonprisoner
40 which results in physical injury.

1 (5) Assault with a deadly weapon or caustic substance.

2 (6) Rape, attempted rape, sodomy, attempted sodomy, oral
3 copulation, or attempted oral copulation accomplished against the
4 victim's will.

5 (7) Taking a hostage.

6 (8) Escape or attempted escape with force or violence.

7 (9) Escape from any departmental prison or institution other
8 than a camp or reentry facility.

9 (10) Possession or manufacture of a deadly weapon or explosive
10 device.

11 (11) Arson involving damage to a structure.

12 (12) Possession of flammable, explosive material with intent to
13 burn any structure or property.

14 (13) Solicitation of assault with a deadly weapon or assault by
15 means of force likely to produce great bodily injury, arson, or a
16 forcible sex act.

17 (14) Intentional destruction of state property in excess of four
18 hundred dollars (\$400) during a riot or disturbance.

19 (c) ~~This Subdivision (a) of this section~~ does not apply if the
20 administrative finding of the misconduct is overturned or if the
21 person is criminally prosecuted for the misconduct and is found
22 not guilty.

23 *(d) Notwithstanding subdivision (a), the Department of*
24 *Corrections and Rehabilitation may establish regulations to allow*
25 *specified inmates placed in a Security Housing Unit, Psychiatric*
26 *Services Unit, Behavioral Management Unit, or an Administrative*
27 *Segregation Unit to earn credits pursuant to Section 2933 or*
28 *2933.05, or credits as otherwise specified in regulation, during*
29 *the time he or she is in the Security Housing Unit, Psychiatric*
30 *Services Unit, Behavioral Management Unit, or the Administrative*
31 *Segregation Unit. The regulations shall establish separate*
32 *classifications of serious disciplinary infractions to determine the*
33 *rate of to restoration of credits, the time period required before*
34 *forfeited credits or a portion thereof may be restored, and the*
35 *percentage of forfeited credits that may be restored for those time*
36 *periods, not to exceed those percentages authorized for general*
37 *population inmates. The regulations shall provide for credit*

- 1 *earning for inmates who successfully complete specific program*
- 2 *performance objectives.*

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